

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

VIRTAMOVE CORP.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No.: 7:24-cv-00033

**STIPULATION REGARDING PLAINTIFF’S SECOND AMENDED COMPLAINT
AND DEFENDANT’S RULE 12 MOTION TO DISMISS**

WHEREAS, on January 31, 2024, Plaintiff VirtaMove Corp. (“VirtaMove”), filed a Complaint for patent infringement (Dkt. No. 1 (“Complaint”)) against Defendant Google LLC (“Google”);

WHEREAS, on April 23, 2024, Google filed a motion to dismiss the Complaint pursuant to Rule 12(b)(6) (Dkt. No. 21);

WHEREAS, on May 21, 2024, Plaintiff VirtaMove filed a First Amended Complaint (Dkt. No. 27 (“FAC”));

WHEREAS, on June 18, 2024, Google filed a motion to dismiss the FAC pursuant to Rule 12(b)(6) (Dkt. No. 36 (“Motion to Dismiss the FAC”)), which is fully briefed;

WHEREAS, on December 5, 2024, VirtaMove filed a Second Amended Complaint (Dkt. No. 68 (“SAC”));

WHEREAS, the parties agree that the underlying issues raised in the Motion to Dismiss the FAC apply to the SAC;

WHEREAS, unless the Court wishes to proceed differently, the parties have reached agreement on certain procedural issues relating to the Motion to Dismiss the FAC and the SAC;

The parties, by and through their respective undersigned counsel, stipulate as follows:

1. Google does not need to re-file or re-brief its Motion to Dismiss the FAC because VirtaMove's SAC does not affect the arguments made in support of or in opposition to Google's Motion. The parties agree that the Motion to Dismiss the FAC and the arguments for or against its dismissal shall apply to both the FAC and SAC, and can be decided by the Court as currently briefed. The Motion to Dismiss the FAC will also serve as a responsive pleading to the SAC.

2. If the Court prefers to proceed differently, the parties will defer to the Court's preference.

Dated: December 17, 2024

Respectfully submitted,

/s/ Qi (Peter) Tong

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on December 17, 2024, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to counsel for all parties of record.

/s/ Katharine L. Carmona

Katharine Lee Carmona